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October 20, 2009

Via: Facsimile Transmission  
517-373-5717

House Judiciary Committee  
The Honorable Mark Meadows, Chairman  
State House of Representatives  
S1088 House Office Building  
P.O. Box 30014  
Lansing, MI 48909-7514

Re: Consideration of HB 5034  
Lawful Reentry by Landlord--Deceased Tenant

Dear Representative Meadows:

The Kalamazoo Division of Edward Rose and Sons builds approximately 800 apartment units per year and currently manages over 14,000 apartments throughout Michigan. The company has been active in residential construction since 1921.

I urge your support and immediate consideration of Lawful Reentry by Landlord—Deceased Tenant (HB 5034).

The purpose of this bill is to allow landlords to lawfully reenter and take possession of rental property when a tenant dies and there is no decedent estate opened by the heirs of the deceased tenant. Under current law, several months may go by until we are able to regain possession of our property. This is often only possible after an estate has been established by a creditor or a county administrator.

In January of this year, one of our residents passed away at a property that we manage in Grand Rapids. He had been a resident for 19 years. No family members came forward and no estate was opened. There was no information on family listed on his rental application or in the resident file. In the process of taking an inventory of his possessions in preparation for opening an estate as a creditor, we found a forty-year old divorce decree listing three children. We were finally able to locate one of the estranged children in another state. After the family went through the probate process and turned over possession of the apartment, six months had elapsed since the resident had died. These types of situations can place an unreasonable financial burden on landlords, especially smaller owners with single family homes or duplexes.

We believe that HB 5034 strikes a good balance between the interests of tenants and those of responsible property owners and managers. Thank you for your consideration of this bill and for your work in public service.

Sincerely,

EDWARD ROSE AND SONS



Jeffrey T. Barnum  
Property Director